

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

TRISH MANGUAL ROLDÁN

XXX-XX-8683

Debtor(s)

Case No.: 15-02360 (BKT)

**TRUSTEE'S POSITION REGARDING URGENT MOTION REQUESTING
AUTHORIZATION FOR LOAN**

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. On December 10, 2015, Debtor in this case filed Debtor's Motion Requesting Court Authorization to Incur in Credit Pursuant to FRBP Rule 4001 (Docket 35, the "Motion Requesting Court Authorization"), in which she requested authorization to renew her retirement loan with the Puerto Rico Retirement System in order to pay for vehicle repairs. Id.

2. Per information provided, Debtor will obtain a \$5,000.00 loan, payable in monthly installments of \$111.22, for a period of 60 months. Id.

3. The Trustee hereby objects Debtor's request.

4. The confirmed plan in this case (Docket 19) provides for 3 monthly payments of \$200.00, 39 monthly payments of \$220.00, and 18 monthly payments of \$310.00, for a plan base of \$14,760.00. The increase in plan payments, from \$220.00 to

\$310.00, is because Debtor's retirement loan - specifically the one that Debtor is requesting authorization to renew - is paid off.

5. Per certificate submitted by Debtor, the retirement loan that Debtor is attempting to renew is paid off on September 2018.

6. In light of the above, the Trustee objects the Motion Requesting Court Authorization inasmuch as, by renewing her retirement loan, Debtor is affecting the feasibility of the confirmed plan. If Debtor renews her retirement loan, she will not be able to increase plan payments on month 42 of the plan.

WHEREFORE, the Trustee respectfully requests this Honorable Court note the abovementioned and deny the Urgent Motion.

RESPECTFULLY SUBMITTED

CERTIFICATE OF SERVICE: The Chapter 13 Trustee certifies that a copy of this motion has been served by regular US Mail **on this same date to:** the DEBTOR(s) and her/his/their attorney and all Creditors and Parties in Interest to their respective address of record as they appear in the attached master address list to the address of record, if not an ECFS register user.

In San Juan, Puerto Rico this 17th day of December, 2015.

/s/ Jose R Carrión - Trustee

/S/ Alexandra Rodríguez Díaz- Staff Attorney

Bar No. 224,311

JOSE R. CARRION
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15-02360-BKT

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

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DATED: December 17, 2015

Nilda Muniz

OFFICE OF THE CHAPTER 13 TRUSTEE